United Nations A/C.3/57/L.31

General Assembly

Distr.: Limited
29 October 2002

Original: English

Fifty-seventh session
Third Committee
Agenda item 108
Right of peoples to self-determination

Algeria, Angola, Burundi, Cambodia, Cameroon, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Iran (Islamic Republic of), Iraq, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mali, Myanmar, Nigeria, Pakistan, Peru, Russian Federation, Swaziland, Syrian Arab Republic, Togo, United Republic of Tanzania, Viet Nam and Yemen: draft resolution

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolution 56/232 of 24 December 2001, and taking note of Commission on Human Rights resolution 2002/5 of 12 April 2002,[1]

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Convention of the Organization of African Unity on the Elimination of Mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

[1] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

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Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Convinced that, notwithstanding the way in which they are used or the form they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Welcomes* the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;[3]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Stresses* the entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries,[4] and calls upon all States that have not yet done so to consider taking the necessary action to sign or ratify it, as a matter of priority;

6. *Welcomes* the cooperation extended by those countries that have received visits from the Special Rapporteur;

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[2] Resolution 2625 (XXV), annex.

[3] See A/57/178.

[4] Resolution 44/34, annex.

7. *Welcomes also* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

8. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

9. *Welcomes* the convening by the Office of the United Nations High Commissioner for Human Rights of the second meeting of experts on the question of traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and recognizes its contribution to the process of formulating a clearer legal definition of mercenaries that would make more efficient the prevention and punishment of mercenary activities;

10. *Requests* the Special Rapporteur to continue working to propose a clearer definition of mercenaries, including clear nationality criteria, based on his findings, the proposals of States and the outcomes of the meetings of experts, and to make suggestions on the procedure to be followed for international adoption of a new definition;

11. *Requests* the Office of the High Commissioner, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

12. *Requests* the Special Rapporteur to continue taking into account in the discharge of his mandate the fact that mercenary activities continue to occur in many parts of the world and are taking on new forms, manifestations and modalities;

13. *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

14. *Requests* the Secretary-General and the High Commissioner to provide the Special Rapporteur with all the necessary assistance and support for the fulfilment of his mandate, both professional and financial, including through the promotion of cooperation between the Special Rapporteur and other components of the United Nations system that deal with countering mercenary-related activities;

15. *Requests* the Special Rapporteur to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its fifty-eighth session his findings on the use of mercenaries to undermine the right of peoples to self-determination;

16. *Decides* to consider at its fifty-eighth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".